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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,583	06/19/2006	Noriyoshi Munenaga	2006_1352	1458

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WENDEROTH, LIND & PONACK, L.L.P.
1030 15th Street, N.W.,
Suite 400 East
Washington, DC 20005-1503

EXAMINER

YANCHUK, STEPHEN J

ART UNIT

PAPER NUMBER

1729

NOTIFICATION DATE

DELIVERY MODE

08/03/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

coa@wenderoth.com

Office Action Summary

Application No.

10/583,583

Applicant(s)

MUNENAGA ET AL.

Examiner

STEPHEN YANCHUK

Art Unit

1729

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. All outstanding objections and rejections are withdrawn in light of applicant's amendment filed on 05/12/2011
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in prior office action.
3. The new grounds of rejection set forth below are necessitated by applicant's amendment filed on 05/12/2011. The following action is properly made final.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 3-7, 10-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Wherein the positive electrode and the negative electrode of the power generating element form a current collector". The instant application supports a positive electrode comprising a current collector and a negative current collector, but fails to teach a current collector formed from both electrode elements.
6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Plurality of members" does not clearly define what the additional member elements are.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-4, 6-7, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim (PGPUB 2004/0126650).

Claim 1: Kim teaches an electrode assembly battery for lithium ion cells which comprise a negative electrode (33), positive electrode (31), and separator (32) between [Abstract]. The cell includes a battery case (61), terminal (63c), lead (65), and a current collector including an active material coating portion and active material non-coating portion [Fig 4]. A current is formed at the current collector by the interaction between the positive and negative electrode over a separator [p.34]. The interior of the case is defined as a space with a distance D1. A member (dielectric layer of air) is included wherein the outer layers for a distance D2 that shares the same inner boundary that defines D1 thusly D2=D1 [Fig 6A]. A void exists that sandwiches the lead and the active material non-active material non-coating portion [Fig 4, 6a].

Claim 3: The member is in contact with the sandwiched lead and sandwiched active material non-coating portion of the current collector extending beyond the active material coating portion.

Claim 4: The member element is a layer of air which functions to insulate the battery from the case [Fig 6a].

Claim 6: Both of the positive and negative leads are sandwiched by the member element [Fig 6A].

Claim 7: The dielectric air member is made of a plurality of members wherein each molecule that makes up the layer is a separate "member" element.

Claim 10, 11: Kim teaches the positive electrode current collector to be aluminum [p.36] and the negative electrode current collector to be copper foil [p. 37]. The case has an inner bottom face [Fig 6b]. A positive lead (64) connects the aluminum foil to a terminal and a negative lead (65) connects the copper foil to the inner bottom face. The examiner interprets an element A to be "connected to" element C even if it must first be connected to an element B. The positive lead and aluminum foil are sandwiched by the member (air) layer.

Claim Rejections - 35 USC § 103

9. Claims 5 are rejected under 35 U.S.C. 103(a) as obvious over Kim (PGPUB 2004/0126650).

Claim 5: Kim teaches an insulating material (66) that is in direct contact with the battery casing [Fig 6a]. This insulating material creates the void and is in direct communication with the member (air layer) [Fig 6a]. Both elements, the insulating plate and the air layer, act as a member to insulate the battery from the case. These elements are interpreted to be combined for the same purpose of insulating the battery from the case.

Response to Arguments

10. Applicant's arguments with respect to claims 1, 3-7, 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN YANCHUK whose telephone number is (571)270-7343. The examiner can normally be reached on Monday through Thursday 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ula Ruddock can be reached on 571-277-1481. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/STEPHEN YANCHUK/
Examiner, Art Unit 1729

/Robert Hodge/
Primary Examiner, Art Unit 1729

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